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August 23, 2019

(VIA US MAIL AND EMAIL)

Michelle Mullin, Project Manager
USEPA REGION 10
1200 Sixth Avenue
Mail Code: OAW-150
Seattle, WA 98101
Mullin.michelle@epamail.epa.gov

Re: Rainier Commons Supplement No. 5 to IPWP Phase IIb

Dear Ms. Mullin,

Please accept this cover letter and attachments as Rainier Commons' Supplement No. 5 to its pending Individual Work Plan ("IPWP") for Phase IIb of the exterior paint removal project at the Rainier Commons campus.

All of the work for Phase IIb will be performed pursuant to the General Work Plan and the EPA's Risk Based Disposal Approval ("RBDA"), dated December 18, 2013 as amended¹, and the IPWP previously submitted for Phase II, except for the portions of the plan that are added or substituted as expressly set forth herein.

The IPWP for Phase II has been pending approval since February 24, 2015. Four prior supplements were provided serially as time passed and conditions changed at the Rainier Commons campus. A new building was constructed while approval was pending, necessitating a request for the addition of the south wall of building 15 to Phase II, among other updates. EPA decided to approve only the south wall of building 15, as that approval was needed on an urgent basis, in its July 11, 2016 Amendment No. 4 to the RBDA. The balance of the Phase II Work has been pending approval since that time.

The remaining Phase IIb work areas include:

Building 6 west elevation - approximately 2,046 SF
Building 7 west and south elevation - approximately 5,251 SF
Building 8 elevator shaft, parapet walls – approximately 1,335 SF

¹ Last amended July 25, 2019, Amendment No. 6.

Building 9 elevator shaft, parapet walls – approximately 1,578 SF

Building 10 south elevation - approximately 300 SF

Catwalk – approximately 289 SF

Given how long this portion of Phase IIb has been pending, instead of conducting this portion of the work with the original work protocols, we are updating the IPWP with all of the processes and procedures that we plan to implement and utilize in Phase III. Phase III will encompass the balance of the work at the campus. It is understood between Rainier Commons and EPA that the Phase IIb work will actually be performed as a part of the overall Phase III work.

Phase IIb will involve two separate containment set-ups. The first for building 6 and 7. The second for the balance of the IIb work area. The overall projected duration for the IIb work is six weeks.

The general contractor on Phase IIb is Performance Abatement Services, Inc. (“PAS”). The primary subcontractor is Aqua-Brite Inc. We anticipate PAS will also perform as the general contractor on Phase III. The change in general contractor requires replacement of the original IPWP II, Exhibits 6, 7, 8 and portions of 9; the contractor’s Site Specific Work Plan; Spill Prevention Plan; CGI’s Health and Safety Plan; and items 9(a), (b), (e), (f) and (g) respectively. These are all substituted in one combined submittal as referenced below.

The original February 24, 2015 Phase II IPWP included the following attachments:

1. Site photographs of the Phase II work areas;
2. Phase II Site Plan;
3. Figures showing locations for interior poly drapes;
4. Figures showing placement for particulate monitoring equipment;
5. Condition 6 Catch Basin Sampling Plan for Phase II IPWP;
6. CGI Rainier Commons Site Specific Exterior Paint Abatement Work and Safety Plan Phase II;
7. CGI Spill Control Plan;
8. CGI General Health and Safety Plan;
9. CGI Rainier Commons Supplemental #001 to Work Plan;
Subparts to Supplemental 001 include:

- a. Phase II Site Plan
 - b. Containment Section
 - c. Aashto brochure
 - d. Hancor Aashto pipe specification
 - e. Piranha 4 (chemical stripper) MSDS and alternate product NexStrip Pro MSDS
 - f. Ebony Grit (blasting media) MSDS
 - g. Hazwoper Certification cards
- 10. Buildings 6, 7, 8, 9 and 10 IPWP II Specific Storm and Sanitary Inlets Protection Plan;
 - 11. NVL Visual Inspection Plan to Evaluate Work Performance;
 - 12. NVL Example of Method to Randomly Select Two Percent Surface Area to Test
 - 13. NVL Particulate Monitoring Plan
 - 14. Substrate Sampling Results
 - 15. NVL Baseline Wipe Sampling Plan²
 - 16. NVL's Health and Safety Plan (HASP) for the Rainier Common's Exterior Paint Removal Project;
 - 17. Oransi Hepa Filtered Air Purifier Product Information

This Supplement No. 5 began with a meeting between Rainier Commons and EPA on March 5, 2019. The primary purpose of that meeting was to begin the planning process for Phase III. Through in-person working sessions and informal exchanges of information following that meeting, the parties agreed that various updates to the work process, including changes to air monitoring, wipe sampling and catch basin sampling would be practical and beneficial for the Phase III work. Each of these project changes have already been preliminarily approved by EPA. Given the fact that Phase IIb was still pending approval the parties agreed to update the IPWP for IIb with the approved changes.

² The Exhibit 15 plan was in the development stage and subsequently submitted under separate cover to avoid delay in submission of the balance of the Phase II IPWP. See Supplement No. 1 to IPWP Phase II dated March 25, 2015.

Accordingly, enclosed please find updated and amended sections of the IPWP for Phase IIb as follows:

Exhibit 3 – **Replaced** – New floorplans with containment, wipe locations, etc.

Exhibit 5 – **Replaced** - New Catch Basin Sampling Plan

Exhibit 6 – **Replaced** – PAS General Work and Safety Plan April 2019³

Exhibit 7 – **Replaced** – PAS General Work and Safety Plan April 2019

Exhibit 8 – **Replaced** – PAS General Work and Safety Plan April 2019

Exhibit 9a - **Replaced** – PAS General Work and Safety Plan April 2019;
At Appendix E;

Exhibit 9e – **Replaced** – PAS General Work and Safety Plan April 2019;
At Appendix F;

Exhibit 9f - **Replaced** – PAS General Work and Safety Plan April 2019;
At Appendix F;

Exhibit 9g - **Replaced** – PAS General Work and Safety Plan April 2019;
At Appendix A;

Exhibit 14 – **Previously Replaced**⁴

Exhibit 15 – **Replaced** – Wipe Sampling Plan

The following additional documents are added to the existing Phase II IPWP:

Exhibit 14 - **Additional** NVL Concrete Post Visual Inspection – South Wall Building 15 substrate sampling report Phase IIa.

Exhibit 18 – **New** Temporary Storage of Waste – Storage Facility SOP⁵

³ See Table of Contents for guide to each required section.

⁴ Exhibit 14 was previously replaced by the Concrete Post Visual Clearance substrate sampling report, dated April 19, 2019 and Sandstone Post Visual Clearance substrate sampling report, dated April 19, 2019.

⁵ Due to the passage of time a new temporary storage area for the waste generated by the work is needed. This new Exhibit 18 details the storage and handling of the project waste, pending ultimate disposal at an approved site.

Exhibit 19 – **New** Rainier Commons Abatement Project Interior Protection Process and overall project control forms

The following original Exhibits have been eliminated from the IPWP Phase II submission:

Exhibit 4 - **Eliminated** – No longer applicable

Exhibit 13 – **Eliminated** – No longer applicable

Some of these changes, and in particular the air monitoring, wipe sampling, and catch basin sampling may constitute changes to the RBDA, as amended. We, therefore, ask that EPA issue an additional amendment to the RBDA, or a combined approval of Phase IIb with the amendment to the RBDA, consistent with this supplement to the work plan.

As previously agreed, this revised submission for Phase IIb is intended to present the revised format and amended practices and procedures for all of the remaining work at the Rainier Commons campus. We are presenting this supplement to the existing IPWP Phase IIb so that EPA may review and approve this limited set of documents (e.g. documentation for two set-ups versus 44 set-ups). It is intended by both parties as a start on the overall approval for Phase III. If any edits to floor plans or revisions to any plan or procedure are needed⁶ to finalize the approval of this IPWP Phase IIb we will make any needed additions or changes to this limited IIb plan. In this way both EPA and Rainier Commons will avoid the possible need for multiple rounds of review and revision to hundreds of pages of documents in the Phase III plan.

We raise the issue of using the IPWP Phase IIb as the pre-approved template for Phase III because, as previously communicated to EPA, we are requesting final approval of IPWP Phase IIb contingent upon funding for the balance of the Phase III work. In effect, the Phase IIb work will become a part of the final Phase III, which will include the balance of the work at the campus. Therefore, the provision in the RBDA at Condition 4, stating that the work must commence within 30 days from the date of approval of the IPWP must be waived for this limited Phase IIb approval, pending approval of the full Phase III work plan. The Phase III work plan is already in draft development. An expedited review and final approval of this limited IIb plan update, will facilitate the timely progress of the balance of the work.

Finally, the original February 24, 2015 Phase II IPWP (at pages 14-15) requested the formal modification of the RBDA Condition 8 for concrete substrate sampling. At the time of the submission we believed that we had confirmed that the PCBs in paint were not migrating to the substrate, regardless of type. Since the submission of that IPWP Rainier Commons performed a comprehensive round of substrate sampling on the Phase I surfaces, including concrete and sandstone. A report was prepared presenting the results. EPA's SOP was followed for the sampling. Quality Assurance and Quality Control procedures were included and followed both

⁶ We believe that the exchange of preliminary drafts of key plan components will have eliminated the need, but to be conservative we understand EPA may yet have additional comments, or minor revisions.

in the field and in the laboratory. The results were all below 1 ppm. The results all qualify for unrestricted use. No threat to human health or the environment was detected in the sandstone or concrete substrate. The Phase I work was unconditionally approved by EPA's Director, Region 10.

EPA issued its Amendment No. 6 to the RBDA, July 25, 2019, removing all sandstone substrates from Condition 8. Based upon the data provided, the concrete substrates should have been removed at that same time as well. Rainier Commons provided all of the required data to show that the concrete does not present a risk, let alone an unreasonable risk to human health or the environment. No evidence exists to suggest that the favorable concrete data was different in any meaningful way from the sandstone substrate, the brick substrate or cementitious or mortar substrate, all of which have been removed from the Condition 8 sampling requirement.

Phase II was split into segment a. and segment b. When the work was commenced on segment a, the wall appeared to be brick, with no concrete. A small rectangular strip of concrete was revealed, only after the layers of paint were removed. Rainier Commons collected a concrete substrate sample from the south wall of building 15 (Phase IIa). The balance of the samples were planned for the Phase IIb walls to distribute the samples among all the walls abated. In an ideal world, all of Phase II would have been approved and completed in 2015, but that did not occur.

Rainier Commons reported the Phase IIa concrete substrate sample result to EPA. Similar to the Phase I results, the original concrete substrate sample from Phase IIa was under 1 ppm. The concrete substrate was re-confirmed to present no risk to human health or the environment. There was no scientific or risk based reason to withhold modification of the RBDA at Condition 8, removing concrete from Condition 8, at the time Amendment No. 6 was issued.

Notwithstanding the fact that Condition 8 should have been modified for concrete as well as sandstone on, or before, July 25, 2019, Rainier Commons has since expended the resources to:

1. Hire a Man Lift to provide access to the 19 square foot rectangle of concrete on the south wall of building 15;
2. Hire NVL to prepare a randomized sampling plan;
3. Oversee the collection of the samples;
4. Analyze the samples; and
5. Prepare a formal report on the results of the concrete substrate samples.

The plan and results are contained in the report at Exhibit 14 attached hereto. They again re-confirm the Phase I results. The concrete substrate does not present a threat to human health and the environment. It meets the criteria for unrestricted use. We, therefore, anticipate a further amendment of the RBDA removing concrete substrates from Condition 8, in advance of, or in conjunction with the approval of Phase IIb.

We appreciate your time, energy and efforts on this project to date. We look forward to the Phase IIb approval. We anticipate the approval will include the amendments to the RBDA

updating air monitoring, wipe sampling and catch basin sampling requirements. We further anticipate that the approval will include the waiver of the 30 day, Condition 4 commencement date. We further anticipate that the approval will include the removal of concrete from the Condition 8 substrate sampling requirement.

Due to the overall volume of the attachments we are providing an electronic copy to you via email with a sharefile link to the enclosures. We are also transmitting a hard copy of this cover letter with a CD of the enclosures. Should EPA require a full printout in hard copy form, please let my office know and we will prepare a full printout for EPA. An estimate of the printed volume will be over 600 pages.

Please let us know if you have questions in advance of the formal approval.

Very truly yours,

RYAN, SWANSON & CLEVELAND, PLLC



Jo M. Flannery
Attorney Of Counsel

JMF:raw

Enclosures

cc: Lynne D. Davies (via email - Davies.lynne@Epamail.epa.gov)
Lisa McArthur - Manager, RCRA Corrective Action, Permits and PCB Unit (via email - mcarthur.lisa@epa.gov)
Dave Leonard, NVL
Phil Roberts
Client

**Shipment Receipt****Address Information****Ship to:**

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1200 Sixth Avenue
Mail Code: OAW-150
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206-326-5726

Ship from:

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1201 3rd Ave
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Shipment Information:

Tracking no.: 776068339730
Ship date: 08/23/2019
Estimated shipping charges: 7.44 USD

Package Information

Service type: Priority Overnight
Package type: FedEx Envelope
Number of packages: 1
Total weight: 1 LBS
Declared Value: 0.00 USD
Special Services:
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